

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Ann-Christine Eriksson, et al.	\$	Group Art Unit:	Unknown
		\$		
Serial No:	10/510,452	\$	Examiner:	Unknown
		\$		
Filed:	October 4, 2004	\$	Confirmation No.:	2277
		\$		

For: DATA PRESERVATION

Via EFS-Web (Beta)

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313.1450

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450, or being transmitted via facsimile or EFS-Web (Beta) to the USPTO on the date indicated below.

Date: December 22, 2005

*Pamela S. Newton*  
Pamela S. Newton

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER 37 C.F.R. § 1.181 and 1.8(b)**

It is respectfully requested that the holding of abandonment be withdrawn for the above-captioned application. The application was abandoned by the USPTO for Applicants' alleged failure to respond to the Notification of Missing Requirements dated March 10, 2005. The Applicants contend that a response was timely filed.

The facts relating to the abandonment of this application are as follows:

1. A Notification of Missing Requirements was issued on March 10, 2005 requiring an executed oath or declaration and payment of a late oath or declaration surcharge. The notification specified a shortened statutory period for reply of two (2) months (i.e., May 10, 2005).
2. On April 14, 2005, the Applicants filed a response to the notification and included an executed declaration and authorization to charge our deposit account for payment of the late surcharge. A copy of the response, as filed, is enclosed herewith. The response was filed by fax to (703) 305-3230, the official fax number for papers in international applications. A copy of a Transmission Verification Report from the Applicants' fax machine is also enclosed. The Transmission Verification Report shows

the date of transmission (04/15/2005) and that all ten (9) pages were transmitted without error.

4. A Notification of Abandonment was issued by the USPTO on November 3, 2005 for Applicants' failure to respond to the Notification of Missing Requirements of March 10, 2005.

The Applicants respectfully submit that this petition has been timely filed, and the evidence presented herewith is sufficient for the petition to be granted and for the holding of abandonment to be withdrawn.

The undersigned Petitioner has personal knowledge of the facts alleged.

Respectfully submitted,



Steven W. Smith  
Registration No. 36,684

Ericsson Inc.  
6300 Legacy Drive, M/S EVR 1-C-11  
Plano, Texas 75024

(972) 583-1572  
steve.xl.smith@ericsson.com

## TRANSMISSION VERIFICATION REPORT

TIME : 04/15/2005 12:19  
 NAME : ERICSSON IPR LEGAL  
 FAX : 9725837864  
 TEL : 9725830000  
 SER. # : BRDH2J626972

DATE, TIME	04/15 12:17
FAX NO./NAME	917633053230
DURATION	00:02:00
PAGE(S)	09
RESULT	OK
MODE	STANDARD ECM



EUS/J/P/05-9078

April 13, 2005

Via Facsimile - 703-305-3230

Mail Stop PCT  
 Commissioner for Patents  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO on the date indicated below.

Date: April 13, 2005

Pamela S. Newton

Re: Patent Application for:  
 "DATA PRESERVATION"  
 Serial No. 10/510,452  
 Attorney Docket No. P16098

Dear Sir or Madam:

Enclosed for filing are the following:

- (1) Copy of Notification of Missing Requirements (2 pages);
- (2) Executed Declaration (6 pages).

The commissioner is hereby authorized to charge the \$130.00 late oath surcharge and any additional filing fees associated with this communication or credit any overpayment to Deposit Account No. 50-1379.

April 13, 2005

Via Facsimile - 703-305-3230

Mail Stop PCT  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO on the date indicated below.

Date: April 13, 2005

*Pamela S. Newton*

Pamela S. Newton

Re: Patent Application for:  
"DATA PRESERVATION"  
Serial No. 10/510,452  
Attorney Docket No. P16098

Dear Sir or Madam:

Enclosed for filing are the following:

- (1) Copy of Notification of Missing Requirements (2 pages);
- (2) Executed Declaration (6 pages).

The commissioner is hereby authorized to charge the \$130.00 late oath surcharge and any additional filing fees associated with this communication or credit any overpayment to Deposit Account No. 50-1379.

If you have any questions or comments concerning this matter, please feel free to contact the undersigned at 972-583-1572.

Sincerely,

*Steven W. Smith*

Steven W. Smith  
Reg. No. 36,684

SWS/psn



## UNITED STATES PATENT AND TRADEMARK OFFICE

P16098

---

 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.	
10/510,452	Ann-Christine Eriksson	29206-00082USPX	
		INTERNATIONAL APPLICATION NO.	
		PCT/EP02/03990	
		IA. FILING DATE	PRIORITY DATE
		04/10/2002	04/10/2002
23932 JENKENS & GILCHRIST, PC 1445 ROSS AVENUE SUITE 3200 DALLAS, TX 75202		INTELLECTUAL PROPERTY MAR 15 2002 JENKENS & GILCHRIST	
		CONFIRMATION NO. 2277 371 FORMALITIES LETTER	
		*OC000000015390171*	

Date Mailed: 03/10/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/04/2004
- Copy of the International Search Report filed on 10/04/2004
- Copy of IPE Report filed on 10/04/2004
- Information Disclosure Statements filed on 10/04/2004
- Oath or Declaration filed on 10/04/2004
- Request for Immediate Examination filed on 10/04/2004
- U.S. Basic National Fees filed on 10/04/2004

TRANSFERRED 2/3/05 to Pam Shultz

REVIEWED BY mr  
TO: Bill Biever - NO FILE

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN R MCLEAN

---

Telephone: (703) 308-9140 EXT 214

**PART 1 - ATTORNEY/APPLICANT COPY**

---

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/510,452	PCT/EP02/03990	29206-00082USPX

FORM PCT/DO/EO/905 (371 Formalities Notice)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DATA PRESERVATION

the specification of which was filed on April 10, 2002 as Application No. PCT/EP02/03990.

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at **Jenkens & Gilchrist, a Professional Corporation**, 1445 Ross Avenue, Suite 3200, Dallas, Texas 75202, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

- no such foreign applications have been filed  
 such foreign application have been filed as follows:

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119
			____ Yes ____ No ____
			____ Yes ____ No ____
			____ Yes ____ No ____

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

- no such U.S. provisional applications have been filed.  
 such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
		____ Yes ____ No ____
		____ Yes ____ No ____
		____ Yes ____ No ____

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

- no such U.S./PCT applications have been filed.
- such U.S./PCT application have been filed as follows:

Application Number	Relationship	Parent Application	Date of Filing

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

All practitioners at Customer Number 23932

all of **Jenkins & Gilchrist, a Professional Corporation**, 1445 Ross Avenue, Suite 3200, Dallas, Texas 75202, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

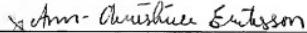
The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from Telefonaktiebolaget L M Ericsson (publ) as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

Please mail all correspondence to Stanley R. Moore, whose address is:

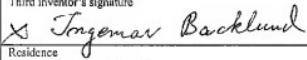
**Jenkins & Gilchrist, a Professional Corporation**  
1445 Ross Avenue, Suite 3200  
Dallas, Texas 75202

Please direct telephone calls to: Stanley R. Moore at (214) 855-4713.

Please direct facsimiles to: (214) 855-4300

Full name of sole or first inventor Ann-Christine Eriksson	
Sole or first inventor's signature 	Date 1/2004-11-17
Residence Sundbyberg, Sweden - Vallentuna, Sweden	
Citizenship Sweden	
Mailing Address Mjölnerbacken 46 S-172 48 Sundbyberg SWEDEN	Blåbärsvägen 28 186 45 Vallentuna Sweden

Full name of second inventor, if any Sandra Collins	
Second inventor's signature <i>Sandra Collins</i>	Date <i>30/11/04</i>
Residence Dublin, Ireland	
Citizenship Ireland	
Mailing Address 24 Hightown Park Mounttown, Dun Laoire, Co. Dublin IRELAND	<i>19 Stillorgan Heath Stillorgan Co. Dublin Ireland</i>
	<i>SC</i> <i>30/11/04</i> New Mailing Address.

Full name of third inventor, if any Ingemar Backlund	
Third inventor's signature 	Date 2004-10-26
Residence Sollentuna, Sweden	
Citizenship Sweden	
Mailing Address  Terassvägen 5 S-191 44 Sollentuna SWEDEN	